REMARKS

This is a response to the Office Action dated December 21, 2005. Claims 157-199 are pending in this application. In the Office Action, Claims 157-199 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,737,539 to Edelson et al. ("Edelson et al.") in view of AMWAY® Products Delivered on your Schedule, Customer Order Worksheet, published 06/24/1998 ("Amway"). With this response, Claims 157, 162, 165-169, 174, 178, 183-187, 192, 195, and 197 have been amended, and Claims 161 and 177 have been canceled.

The rejections from the Office Action of December 21, 2005 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I.   INTERVIEW SUMMARY

The Examiner is thanked for the courtesies extended to the undersigned and his colleague, Ray Ricordati, during a telephonic Interview on March 10, 2006. The cited references were discussed. No agreement was reached.

II.   REJECTIONS UNDER 35 U.S.C. § 103(a)

A.   Independent Claims 157, 174, 192, 195 and 197

In the Office Action, independent claims 157, 174, 192, 195, and 197 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Edelson et al. or Edelson et al. in view of Amway.

Independent claim 157 recites providing one or more electronic commerce system products or services to a registered user according to a generated profile that specifies a recurrence of an order from the registered user and causing the order to automatically recur one or more times. Likewise, independent claim 174 recites an order management system operative to cause one or more products of an electronic commerce system to be shipped to a registered user according to a generated profile that specifies a recurrence of an order so that the order automatically recurs one or more times. Similarly, independent claim 192 recites

repetitively sending a product or repetitively providing a service to a user in response to establishing an automated order in response to receiving a first order from the user. Independent claim 197 similarly recites providing a standing order profile in response to receiving a standing order process selection, where the standing order profile information operable to allow a user to set up an automated order system that sends products and/or services to the user at regular intervals. In a similar manner, independent claim 195 requires causing the shipment of the product or service to a user who selects a product or service two or more times in accordance with a standing order.

Edelson et al. discloses an "...electronic prescription creation system for use by professional prescribers at the point of care [which] has a prescription division subsystem permitting creation of a single prescription to be automatically divided into two components for fulfillment [sic] of one portion quickly and locally at higher cost and of another portion by remote mail order taking more time but providing a cost saving for a major part of the prescription." *See* Edelson et al., Abstract.

Edelson et al. fails to disclose or suggest shipping a first order to a registered user who places an order, causing a first order to be shipped to a registered user who places an order, repetitively sending a product to a user in response to receiving a first order from the user, or sending products at regular intervals to a user who places an order. Rather, a doctor or other health care provider in the system of Edelson creates a prescription for use by a patient. Edelson fails to disclose that the patient can order a prescription, i.e. prescribe a prescription medication, for themselves and further, this would be contrary to the understanding of those skilled in the art as well as contrary to the ethics of the medical profession.

Edelson et al. also fails to disclose or suggest automatically repeating an order, an order that automatically recurs, a standing order or sending products and/or services to the user at regular intervals. The Examiner points to a prescription quantification procedure of Edelson et al. as evidence that the Edelson et al. system causes an order to recur automatically. However, the prescription quantification procedure of Edelson et al. provides a mechanism for, "The Form, Size, Route and Amounts headers 92-98 [to be] linked to the drug selected and bring system resources to bear to enable a prescriber rapidly to quantify the

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prescription with appropriate dosages that can be filled at a pharmacy, without undue difficulty." (col. 25, lines 36-40). Thus, Edelson et al merely discloses a system that allows a prescriber to easily specify the quantity of a *single* prescription, to be fulfilled *once* at a pharmacy.

The Examiner also points to the number of allowable refills of a prescription and a multi-patient drug dosage dispenser as evidence of recurrence. Edelson states "Refill field 100 shows the number of times refilling is *permitted...*" (col. 25, lines 58-59, emphasis added) Applicants respectfully submit that one of ordinary skill in the art would not equate a permissible refill of a prescription to an automatic recurrence of an order. A prescription refill only specifies an entitlement, e.g. the maximum number of permissible refills of a prescription. When the current prescription runs out, the patient is required to request a refill, and obtain the refill himself or herself. The patient may or may not actually refill the order depending on the patient's condition. In other words, substantial intervention is required if the patient wishes to refill their prescription. Thus, Edelson merely discloses the use of the allowable refill field as a data field that may be maintained for a given prescription. Edelson does not disclose or suggest automatically fulfilling the prescription when it runs out, much less automatically refilling a prescription in accordance with the refill field.

Additionally, the multi-patient drug dosage dispenser of Edelson fails to teach or suggest Applicants invention as claimed. First, the drug dosage dispenser is designed to control drug usage according to standard dosage instructions. Thus, a doctor may create a single prescription which is split into multiple parts. It is the dosage instructions, and not the allowable refill field, which drives the alleged "recurrence," and is akin to a shampoo dispenser that may dispense a teaspoon of shampoo at a time. In contrast, Applicants system causes an order to recur one or more times according to a specified recurrence, such as sending bottles of shampoo to a user according to a specified recurrence. Further, Edelson notes that the drug dosage dispenser "can be provided for inpatient use in medical or health care facilities." It is important, in the context of the Edelson drug dispenser, that control of the device, and the drugs contained therein, be maintained at a secure location. As a result, the dispenser is limited to use at inpatient medical or health care facilities. Finally, the

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Edelson dispenser is not disclosed as allowing a patient to order the drugs for themselves, i.e. the patient is not the prescriber, and thus fails to teach or suggest a system that ships an order to a user who places that order. Further, one of ordinary skill in the art would not be motivated to alter the Edelson dispenser to facilitate self-prescribing as this is contrary to the general ethical guidelines of the medical profession, e.g. physician may not have a doctor-patient relationship with himself.

For at least these reasons, independent claims 157, 174, 192, 195, and 197 are not obvious in view of the combination of Edelson et al. and Amway. Accordingly, Applicants request that the Examiner withdraw this rejection of independent claims 157, 174, 192, 195, and 197.

B.   Dependent Claims 158-160, 162-173, 175-176, 178-191, 193, 194, 196 and 198-199

Dependent Claims 158-160, 162-173, 175-176, 178-191, 193, 194, 196 and 198-199 were also rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Edelson et al. in view of Amway. Dependent claims 158-160, 162-173, 175-176, 178-191, 193, 194, 196 and 198-199 should be allowed for the reasons set out above for the independent claims. Applicants therefore request tha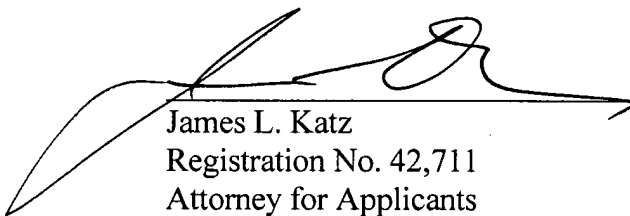t the Examiner withdraw this rejection of these claims. Further limitations of the dependent claims are not disclosed by either of the Edelson or Amway references. For example, neither discloses: receiving multiple orders as claimed in claims 165 and 183; user modification of the profile as claimed in claims 166-169 and 184-187; generating a profile as defined in the claims from a shopping cart as claimed in claims 170 and 188; and a member or IBO as claimed in claims 162 and 178.

CONCLUSION

Each of the rejections in the Final Office Action dated December 21, 2005 have been addressed. Applicants submit that all the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Dated

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